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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 JACK J. DEMARTINI,

12 Plaintiff,

13 v.

14 RYAN C. WITT, *et al*,

15 Defendants.

Case No. C08-5106RBL-KLS

REPORT AND
RECOMMENDATION

Noted for September 12, 2008

16 This matter is before the Court on plaintiff's failure to comply with the undersigned's order to
17 show cause regarding certain deficiencies in his civil rights complaint. (Dkt. #10). After reviewing the
18 record, the undersigned submits the following report and recommendation, recommending that the Court
19 dismiss this action for failure to comply with the undersigned's order.

20 DISCUSSION

21 On May 19, 2008, the undersigned issued an order informing plaintiff as to certain deficiencies in
22 his complaint – namely, that it appeared that defendant Ryan C. Witt was entitled to prosecutorial
23 immunity, that defendant Judge Anna M. Laurie was entitled to judicial immunity, that defendant State of
24 Washington was entitled to immunity from suit under the Eleventh Amendment, and that he had failed to
25 establish liability on the part of defendants Kitsap County and the City of Bremerton – and directed him
26 to file an amended complaint curing those deficiencies by no later than June 18, 2008, or show cause why
27 this matter should not be dismissed. (Dkt. #10).

28 Plaintiff responded to the undersigned's order on June 23, 2008, by filing a motion for extension


1 of time to file an amended complaint. (Dkt. #11). The undersigned granted plaintiff's motion on July 7,
2 2008, extending until July 28, 2008, the deadline for filing an amended complaint. (Dkt. #12). To date,
3 however, plaintiff has not done so.

4 CONCLUSION

5 Because plaintiff has failed to respond to the undersigned's order to show cause (Dkt. #10), and
6 because his complaint remains deficient for the reasons set forth therein, the Court should dismiss that
7 complaint prior to service with prejudice and as frivolous pursuant to 28 U.S.C. §1915(e).

8 Pursuant to 28 U.S.C. § 636(b)(1) and Federal Rules of Civil Procedure ("Fed. R. Civ. P.") 72(b),
9 the parties shall have ten (10) days from service of this Report and Recommendation to file written
10 objections thereto. See also Fed.R.Civ.P. 6. Failure to file objections will result in a waiver of those
11 objections for purposes of appeal. Thomas v. Arn, 474 U.S. 140 (1985). Accommodating the time limit
12 imposed by Fed. R. Civ. P. 72(b), the clerk is directed to set this matter for consideration on **September**
13 **12, 2008**, as noted in the caption.

14 DATED this 21st day of August, 2008.

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18 Karen L. Strombom
19 United States Magistrate Judge
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